

## **REMARKS/ARGUMENTS**

This paper is intended to be completely responsive to the September 5, 2006 Office Action and the telephone interview between Applicant's representative, Kelly W. Cunningham, and the Examiner that took place on October 3, 2006.

In the Office Action, the Examiner took the position that the application comprises three distinct inventions: Invention I, claims 38-42; Invention II, claims 43-50; and Invention III, claims 51-59. In the interview, the Examiner agreed that claim 51, the independent claim of Invention III, is sufficiently broad to encompass Invention I and II as well, and recommended that Applicant submit this written traverse.

Accordingly, Applicant hereby respectfully traverses the election requirement and submits that claim 51 is sufficiently broad enough to encompass Invention I and II as well. Claim 51 is not limited to a configuration comprising a single row of non-absorbent points, nor is it limited to a configuration comprising a multi-dimensional game board of non-absorbent points. Claim 51 is therefore sufficiently broad enough to encompass Invention I and II as well, rendering moot the election requirement. In an abundance of caution, however, and in keeping with Applicant's understanding of the rules, Applicant nevertheless will elect Invention III, claims 51 - 59 if the Examiner chooses not to remove the election requirement.

In order to be complete, Applicant also respectfully submits that claim 38 is also not limited to a configuration comprising a single row of non-absorbent points, but also encompasses any one-dimensional or multi-dimensional game board of non-absorbent points that comprises at least one row of non-absorbent points.

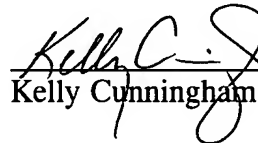
With the foregoing traverse and provisional election, it is believed that the application is in a condition for examination, and Applicant respectfully requests that the Examiner pass the application on to allowance. If a telephone interview will advance the allowance of the application, enabling an Examiner's amendment or other meaningful discussion of the case, Applicant requests the Examiner contact Applicant's representative at the number listed below.

It is not believed that any additional fees are due; however, in the event any additional fees are due, the Examiner is authorized to charge Applicant's attorney's deposit account no. 03-2030.

Respectfully submitted,

CISLO & THOMAS LLP

Date: October 3, 2006

  
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